

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

UTHAIWAN WONG-OPASI,)	
Complainant,)	
)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 99B00052
)	
GOVERNOR DON SUNDQUIST,)	
ET AL.,)	
Respondents)	
_____)	

**DENIAL OF COMPLAINANT’S REQUEST FOR
ADMINISTRATIVE REVIEW**

On March 14, 2000, the Office of the Chief Administrative Hearing Officer (OCAHO) received from Complainant a request for review by the Chief Administrative Hearing Officer (CAHO) of a final order dismissing the complaints against Tennessee State University and the Tennessee Board of Regents.

This is an action arising under the nondiscrimination provisions of 8 U.S.C. § 1324b. Section 1324b does not provide for administrative review. The CAHO only has authority to administratively review cases arising under 8 U.S.C. § 1324a and 8 U.S.C. § 1324c. *See* 8 U.S.C. §§ 1324a(e)(7) and 1324c(d)(4). *See also* OCAHO Rules of Practice and Procedure at 28 C.F.R. §§ 68.53 and 68.54.

Complainant asserts that the CAHO nevertheless has jurisdiction to administratively review the ALJ’s order because “Complainant had also averred violations of 8 U.S.C. § 1324c by the Respondents. . . .” *See* Complainant’s Supplemental Brief in Support of Complainant’s Rule 68.54(a)(1) Motion for Review received by OCAHO on March 15, 2000. A review of the record reveals, however, that Complainant never alleged violations of 8 U.S.C. § 1324c

in any of her pleadings.¹ Even assuming Complainant had alleged such violations, 8 U.S.C. § 1324c contains no provision for a private right of action analogous to that found at 8 U.S.C. § 1324b(d)(2). Moreover, 8 U.S.C. § 1324c(d)(1) plainly indicates that the Immigration and Naturalization Service is charged with conducting investigations and filing complaints under the statute. *See also* the definition of the term “Complainant” as set forth in the Rules of Practice and Procedure at 28 C.F.R. § 68.2.

Consequently, I hereby deny the Complainant’s request for administrative review.

It is so ORDERED, this 21st day of March, 2000.

Jack E. Perkins
Chief Administrative Hearing Officer

¹ Complainant’s only references to 8 U.S.C. § 1324c have been in the case captions of motions requesting administrative review by the CAHO.